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October 2, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
CellCall, Inc.
PR Docket No. 93-144, PP Docket No. 93-253

Dear Mr. Caton:

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On behalf of CellCall, Inc. ("CellCall"), and pursuant to Section 1.1206 of the Commission's Rules, we hereby notify the Commission that on September 29, 1995, Carl W. Northrop and the undersigned, representing CellCall, met with Rosalind K. Allen and D'wanda Speight of the Wireless Telecommunications Bureau to discuss issues in connection with the above-referenced dockets. This letter summarizes the conversation.

The participants discussed CellCall's comments of record in this proceeding. Additionally, CellCall's representatives expressed concerns regarding the impact on incumbent licensees of the Bureau's proposed wide-area licensing plan for the 800 MHz Specialized Mobile Radio ("SMR") service. CellCall is of the view that mandatory relocation, as proposed, fails to strike a fair balance between competing interests and, consequently, will severely disrupt the business plans and operations of incumbent licensees (most of whom are small businesses), and virtually assures litigation over the relative rights of incumbents and wide-area licensees.

In light of the Bureau's proposal to relocate incumbents to lower-band 800 MHz SMR category and General Category channels, it is imperative for the Commission to adopt final rules for these channels before it conducts auctions for wide-area 800 MHz SMR licenses. Furthermore, if wide-area licensees receive the right to relocate incumbents to non-contiguous 800 MHz SMR channels, the Commission must carefully define what constitutes "comparable channels" in order to avoid future

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disputes. The Commission may wish to issue a Public Notice requesting additional comments on this issue. At a minimum, the rules must provide that wide-area licensees may not relocate incumbents' upper band SMR channels on a piecemeal basis. Instead, all of an incumbent's channels must be relocated simultaneously, and multiple wide-area licensees must be required to coordinate the relocation of any incumbent to whose channels they acquire the wide area rights. Moreover, wide-area licensees must be required to give incumbents adequate notice of the relocation plan and timetable to reduce the prospect of having the move be used to disrupt the business plan of a direct competitor.

CellCall's view is that the record of the SMR proceeding will not sustain a Commission finding that SMR incumbents should be accorded a shorter "voluntary" relocation period than microwave incumbents in the PCS band. The relocation of a mobile subscriber user population is inherently more difficult than the relocation of a microwave link business, and the relocation process is particularly sensitive when the move is being mandated by a direct competitor. If anything, the move should be approached on a slower, not a faster, timetable than that allowed for PCS.

Finally, CellCall expressed the view that the Commission is not simply proposing to auction "white space", but rather is auctioning off occupied spectrum in violation of the limitations on auction authority set forth in the Omnibus Budget Reconciliation Act of 1993. A credible stay request must be anticipated if the final plan does not accommodate incumbents in a fairer fashion.

Due to the hour at which the meeting ended, it was not possible to file this ex parte notice on the day of the meeting, and a waiver of the same day filing requirement is respectfully requested.

Respectfully submitted,



E. Ashton Johnston

cc: Rosalind K. Allen
D'wanda Speight